basis for the classification of municipal governments, there can be little question. *Board of Education* v. *Lewis*, — N. J. L, — , 50 Atl. 346; *In re Ruan Street*, 132 Pa. St. 257. The important query is, What is a classification which will satisfy the constitutional provision? The classification must be founded upon some real and substantial distinction, applicable to all the members of the class equally and inclusive of all of that class. It must be germane to the purpose of the law and the "unvarying rule of advancement" must apply in order to prevent isolation. Public convenience prompted by reason and experience should suggest a classification, subservient to the demands of governmental needs. The court in *Commonwealth* v. *Gilligan*, 195 Pa. St. 504, gave this for its definition: "Classification is the grouping together for the purposes of legislation of communities or public bodies which by reason of similarity of situation, circumstances, requirements and convenience will have their public interests best subserved by similar regulations." A law for the government of cities is not special merely because, for the time being, there is but one city in a certain class. If the classification is based upon some "attendant or inherent peculiarity" the act is still general. *Walston* v. *Louisville*, — Ky. — , 66 S. W. R. 385; *Ladd* v. *Holmes*, — Ore. — , 66 Pac. Rep. 714.

CORPORATION—INSOLVENT—PREFERRING CREDITORS.—Suit by a creditor of an insolvent corporation to set aside a trust deed executed by the corporation preferring creditors who were directors of the corporation and whose votes were necessary to their own preference. *Held*, that an insolvent corporation may prefer its directors and the fact that their votes were necessary to their own preference, was immaterial. *Nappanee Canning Co* v. *Reid* (1902), — Ind. — , 64 N. E. Rep. 870.

The same court in a former case held that an insolvent corporation could prefer its directors but special attention was called to the fact that the votes of the preferred directors were not necessary to the preference. *Levering* v. *Bimel*, 146 Ind. 545. The Iowa court sustains the conclusion reached in the later Indiana case. See *Warfield* v. *Canning Co.* 72 Iowa 666. The Missouri court holds that directors voting for their own preference is prima facie fraudulent. *Schufeldt* v. *Smith*, 131 Mo. 280. See also *State* v. *Rubber Co.*, 149 Mo. 181; *Bank* v. *Scott*, 18 Utah 400. *Contra:* Directors cannot by their own votes prefer themselves: *Love* v. *Queen*, 74 Miss. 290. Cannot where their vote is necessaiy to the preferment: *Molter* v. *Fibre Co.*, 187 Pa. St. 553; *Rickerson* v. *Ferrel*, 75 Fed. 554. In this latter case the directors had previously assured a creditor of the corporation, that all the creditors should share alike. If a director's right to a preference is recognized, there seems no valid reason why that preference should not be given by his own vote, if the corporation or its stockholders do not complain, though he should be required, when called upon, to prove that such preference was free from fraud. The weight of authority seems to be to the effect that a corporation cannot prefer its directors, under any circumstances. See Am. and Eng. Ency. of Law, vol. 7, page 734; but the above cases are the only ones that the writer has been able to find involving the right of a director to vote for his own preference.

DAMAGES—EVIDENCE OF PECUNIARY CONDITION—A man employed as flagman was injured by employer's train. While walking by a moving train he stumbled on slag on the road-bed and fell under the train. In an action for damages for the injury received, *Held*, that the plaintiff may not show that he was poor. *Southern Ry. Co.* v. *McLellan* (1902),—Miss.—, 32 So. Rep. 283.

That the plaintiff may not show that he was poor in an action for personal injury is held and sustained in *Malone* v. *Hawley*, 46 Cal. 409; *Missouri Ry. Co.* v. *Lyde*, 57 Tex. 505; *Alberti* v. *N. Y. R. R. Co.* 118 N. Y. 77; *Chicago & N. W. R. R. Co.* v. *Bayfield*, 37 Mich. 205; *C. & N. R. R. Co.* v. *Moranda*, 93 Ill. 302; WATSON ON DAMAGES, Sec. 620; SEDGWICK ON DAMAGES, §§ 490, 580. But this doctrine is strongly disputed in many states and with good reason. Where exemplary damages are allowed the financial condition of defendant may be shown in order to determine what measure of punishment should be inflicted. In such cases the financial standing of the plaintiff is with few exceptions held competent. SEDGWICK ON DAMAGES, §385; *Peck* v. *Small*, 35 Minn. 465; *Harman* v. *Cundiff*, 82 Va. 239; *Spear* v. *Hiles*, 67 Wis. 350; *Hayner* v. *Cowden*, 27 O. St. 292; *Bennett* v. *Hyde*, 6 Conn. 24; *Johnson* v. *Smith*, 64 Me 553. Iowa has very decisively held that the financial condition of the plaintiff may be shown. *Stafford* v. *Oskaloosa*, 64 Ia. 251; *Simonson* v. *C. R. R. Co.* 49 Ia. 87; *Moore* v. *Cent. R. R. Co.*, 47 Ia. 688; *Hunt* v. *C. R. R. Co.*, 26 Ia. 363. While the plaintiff may by showing his poverty be able to influence a jury in his favor yet it has often been held that his financial condition is an element for consideration in estimating the extent of the injury sustained. Such a practice has a tendency to lessen accuracy in the measurement of damages and undoubtedly unjustly imposes upon corporations. It is sustained by *Sloan* v. *Edwards*, 61 Md. 89; *McNamara* v. *King*, 7 Ill. 432; *Beck* v. *Dowell*, 111 Mo. 506, 20 S. W. 209; *Gaither* v. *Blowers*, 11 Md. 536; *Graves* v. *Thomas*, 95 Ind. 362; *Grable* v. *Margrave*, 4 Ill. 372.

DAMAGES—EXEMPLARY DAMAGES FOR GROSS NEGLIGENCE OR WHERE ACTUAL LOSS PURELY NOMINAL.—Plaintiff, who was a passenger upon a street railway operated by defendant, contended that when she paid her fare she asked to be put off at a certain street to which the conductor agreed: that when the car reached that street the conductor refused to permit it to stop there, saying it was not a stopping place; and carried her on three-fourths of a mile to the next station, whence she was obliged to walk back over ground wet and sloppy from snow, whereby she had been made so ill as to require the services of a physician. The conductor denied that he had agreed to put her off at the place in question; testified that it was not a regular stopping place; and denied any wanton or wilful conduct. In an action for damages, defendant requested the court to charge the jury that punitive damages could not be awarded, but the court refused to give the instruction. *Held*, not error. *Birmingham Ry. Co.* v. *Nolan* (1902),—Ala.—, 32 So. Rep. 715.

"To authorize punitive damages," said the court, "the act complained of must be wilful, or the result of reckless indifference to the rights of others which is equivalent to intentional violation of them, or 'where the injury has been wanton, or malicious, or gross.' *Wilkinson* v. *Searcy*, 76 Ala. 176. It is settled that the infliction of actual damage is not essential to the imposition of exemplary damages. *Railroad Co.* v. *Sellers*, 93 Ala. 9, 9 So. 375, 30 Am. St. Rep. 17. [As to this, see 1 MICHIGAN LAW REVIEW, 61.] If then, in this case, the negligence of the conductor was so gross as to evince an entire want of care, and was sufficient in the minds of the jury, to raise the inference, that being cognizant of the probable consequences, he was indifferent to them, it was in their province to award exemplary damages, *Railroad Co.* v. *Arnold*, 80 Ala. 600, 2 So. 337."

DAMAGES—GENERAL AND SPECIAL—PLEADING.—Plaintiff, an employe of the defendant, was injured while in his employ. In an action for damages under an allegation in the petition of injury to the nervous system, *Held*,